

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

AFFIRMATION IN SUPPORT OF
MOTION TO WITHDRAW AS
COUNSEL
DOCKET NO. 03-CR-0243

-VS-

KARO BROWN

DAVID R. MORABITO, ESQ., under penalties of perjury pursuant to 28 U.S.C. § 1746 states as follows:

1. That I am an attorney licensed to practice law in the State of New York, United States Supreme Court, United States Court of Appeals for the Second Circuit, United States District Court for the Northern District of New York and the United States District Court for the Western District of New York.
2. That I am the attorney of record for Karo Brown. I submit this Affirmation in support of Counsel's Application to Withdraw as Counsel.

STATEMENTS OF FACTS

3. That on or about June 15, 2017 family members of Defendant Karo Brown retained me to review records and conduct legal research relative to a potential post-conviction relief application.

4. That in order to have access to the filed documents in the case at bar, the court staff for the United States District Court-Northern District of New York advised that it was necessary for Affiant to appear as the attorney of record. Accordingly, Affiant noted his appearance as the attorney of record on or about July 26, 2017 in Docket No.

1069.

5. That Affiant had the opportunity to review records and conduct legal research involving potential post-conviction relief applications.

6. That Affiant determined that the issues raised by Defendant Karo Brown and research conducted by Affiant did not have merit to commence a post-conviction relief application.

7. That Affiant advised Defendant of the conclusion and opinion of the legal research and the attorney/client relationship was concluded. That on September 4, 2018 Affiant communicated with the court staff for the United States District Court-Northern District of New York requesting that he be "terminated" as the attorney of record in Docket No. 1078. Recently, the court staff advised that it was necessary to file the enclosed Affirmation requesting withdrawal as the attorney of record.

8. As such, that Affiant submits that the instant motion to be relieved as counsel be granted.

WHEREFORE, it is respectfully requested that, for the reasons set forth herein, the Court relieve the undersigned as counsel of Defendant Karo Brown.

Dated: East Rochester, NY
September 20, 2018

Respectfully submitted,

David R. Morabito
P.O. Box 187
117 West Commercial Street
East Rochester, NY 14445
(585) 586-5770

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2018, I electronically filed the foregoing with the Clerk of the United States District Court-Northern District of New York using the CM/ECF system, which sent notification of such filing to all required recipients. Further, the hereinstated application has been forwarded to Defendant Karo Brown by United States Postal Service.

/s/ David R. Morabito, Esq.

David R. Morabito, Esq.
PO Box 187
117 W. Commercial Street
East Rochester, NY 14445
585-586-5770

Sworn to before me this
20th day of September, 2018

/s/ Colette M. Gagnier

Commission Expires 02/28/22